

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KD ENTERTAINMENT LLC,

Plaintiff,

-v-

STEEM MONSTERS CORP.,

Defendant.

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23-CV-2569 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiff KD Entertainment LLC brought this action against Defendant Steem Monsters Corp. in New York state court. Defendant removed this action, invoking the Court’s subject matter jurisdiction on the ground of diversity of citizenship. *See* ECF No. 1 (“Notice of Removal”); 28 U.S.C. § 1332. Defendant alleges that it is a citizen of Delaware and Pennsylvania. *See* Notice of Removal ¶ 7. It alleges that Plaintiff is a citizen of New Jersey. *See id.* ¶ 6.


It is well established that a limited liability company (“LLC”) is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Altissima Ltd. v. One Niagara LLC*, No. 08-CV-756S, 2010 WL 3504798, at *2 (W.D.N.Y. Sept. 2, 2010) (noting that every other Court of Appeals to have considered LLC citizenship has held that an LLC has the citizenship of all of its members). Thus, a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs). *See Handelsman*, 213 F.3d at

51-52; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010). In the present case, the Notice of Removal fails to do so. It merely alleges the place of incorporation and principal place of business of the Plaintiff LLC. Notice of Removal ¶ 6.

Accordingly, it is hereby ORDERED that, on or before **April 4, 2023**, the Defendant shall amend its Notice of Removal to allege the citizenship of each constituent person or entity comprising the Plaintiff LLC. If, by that date, the Defendant is unable to amend the Notice of Removal to truthfully allege complete diversity of citizenship, then the case will be dismissed for lack of subject matter jurisdiction without further notice to either party.

SO ORDERED.

Dated: March 28, 2023
New York, New York



JESSE M. FURMAN
United States District Judge